

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES A. MORASSO,

Plaintiff,

Case No. 22-cv-12480

Hon. Matthew F. Leitman

v.

LOCAL 636 OF THE UNITED  
ASSOCIATION OF JOURNEYMEN, *et al.*,

Defendants.

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**ORDER GRANTING PLAINTIFFS LEAVE  
TO FILE A FIRST AMENDED COMPLAINT**

On October 15, 2022, Plaintiff James A. Morasso filed this action against Defendants Local 636 of the United Association of Journeymen and the Joint Apprenticeship Committee of Pipefitters Local 636 of the United Association of Journeymen. (*See* Compl., ECF No. 1.) Morasso alleges, among other things, that Defendants interfered with his rights under the Family Medical Leave Act. (*See id.*)

On December 5, 2022, Defendants filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (*See* Mot. to Dismiss, ECF No. 7.) One of the bases for dismissal is that Morasso has failed “to state a valid claim upon which relief can be granted.” (*Id.*, PageID.41.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Morasso the opportunity to file a First Amended Complaint in

order to remedy the alleged deficiencies in his allegations identified by Defendants in the motion to dismiss. The Court does not anticipate allowing Morasso another opportunity to amend to add factual allegations that he could now include in his First Amended Complaint. Simply put, this is Morasso's opportunity to amend his allegations to cure the alleged deficiencies in his claims.

By **December 20, 2022**, Morasso shall file a notice on the docket in this action notifying the Court and Defendants whether he will amend the Complaint. If Morasso provides notice that he will be filing a First Amended Complaint, he shall file that amended pleading by no later than **January 9, 2023**. If Morasso provides notice that he will not be filing a First Amended Complaint, he shall respond to the motion to dismiss by no later than **January 9, 2023**.

Finally, if Morasso provides notice that he will be filing a First Amended Complaint, the Court will terminate without prejudice Defendants' currently-pending motion to dismiss as moot.

Defendants may re-file a motion to dismiss directed at the First Amended Complaint if Defendants believe that such a motion is appropriate after reviewing that pleading.

**IT IS SO ORDERED.**

Dated: December 6, 2022

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 6, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126